



Questions & Answers

EPA considers changing small water system affordability variances

What are small water system affordability variances?

The U.S. Environmental Protection Agency (EPA) uses economic criteria to determine if newly-proposed rules are unaffordable to some water systems. If EPA does believe some systems may be unable to afford compliance with a new national primary drinking water regulation, states have authority to grant affordability variances to small public water systems.

How can a Washington water system get an affordability variance?

Water systems may apply for a variance through the Department of Health Office of Drinking Water (ODW). However, since 1996, EPA has not found any new rules to be unaffordable.

What are the changes EPA is considering?

1. EPA is considering a change to the economic criteria it uses to determine if newly-proposed rules are affordable.
2. EPA is also looking into whether variant technology (alternate, less-costly treatment) that produces finished water with up to three times the maximum allowable level of a regulated contaminant will adequately protect public health.

If adopted, will the proposed changes apply to current rules?

No. They would apply only to future regulations.

Does the Office of Drinking Water support these changes?

No. ODW believes they establish a two-tier public health system in which some people will receive better protection from drinking water contaminants than others. Our policies discourage the use of variances, and we believe one defensible public health standard should apply to all systems.

In our April 2006 letter to EPA, we concur with the National Drinking Water Advisory Council (NDWAC):

“...significant practical, logistical, and ethical issues mitigate against the use of variances. For example, the cost of establishing the appropriateness of a variance for a specific small system is significant. The heightened monitoring and regulatory burden that would fall to State and local authorities is unacceptable for many of them. Furthermore, the potential acceptance of lower water quality for disadvantaged communities is ethically troublesome.

“The NDWAC believes that alternatives to the variance process identified by the Work Group in this report (such as cooperative strategies, targeted use of funding to disadvantaged water systems, a low income water assistance program, etc.) are more appropriate means to address the affordability



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problem. Therefore, if a variance process is deemed necessary to achieve affordability, it should only be pursued after all other alternatives presented in this report are given due consideration.”

When will EPA announce its decision on the proposed changes?

We don’t know. ODW will track the proposed change and update this fact sheet when new information is available.

Can I submit comments on the proposed changes?

Not at this time. EPA’s comment period ended May 1, 2006.

Where can I get more information?

EPA’s proposal is online at <http://www.epa.gov/fedrgstr/EPA-WATER/2006/March/Day-02/w1917.htm>

The National Drinking Water Advisory Council’s report is online at http://www.epa.gov/safewater/ndwac/pdfs/report_ndwac_affordabilitywg_final_08-08-03.pdf

To learn more about ODW’s perspective on small-system variances, call Peter Beaton at (360) 236-3150 or e-mail peter.beaton@doh.wa.gov

